

wherein said controller changes, when the session-based facsimile communication mode is selected, a transmission original size in accordance with the reception capability detected by said second detector.

18. (New) The apparatus according to claim 15, wherein, when the session-based facsimile communication mode is selected, said controller converts a B4- or A3-size original into an A4-size original in accordance with the reception capability.

#### REMARKS

This application has been reviewed in light of the Office Action dated September 12, 2002. Claims 1-18 are now pending in this application. Claims 13-18 have been added to provide Applicant with a more complete scope of protection. Claims 1-12 have been amended to define still more clearly what Applicant regards as their invention. Claims 1, 3, 7, 9, 11, 13 and 15 are in independent form. Favorable reconsideration is requested.

Claims 1, 3, 4, 7, 9, and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,101,244 (Okada), and Claims 2, 5, 6, 8, 10, and 12, under 35 U.S.C. § 103(a) as being obvious from *Okada* in view of a document identified in the Office Action as Japanese Patent 410032671A (Yasumoto); it is believed that the cited document corresponds to Japanese Kokai (laid-open patent application) 10-032671 A, which is what was actually provided to Applicant with the Office Action. If this understanding is not correct, the Examiner is respectfully requested, in her next paper, to identify the intended document to ensure that the record is clear.

The present invention relates to Internet-based facsimile communication. As is described in the present application, such communication has been hampered by the lack of generally-accepted standards for such communication, and the resultant adoption by various manufacturers of mutually-inconsistent standards. as a result, it is generally the case that a facsimile apparatus made by one company cannot engage in facsimile communication with an apparatus made by another company. T he present invention is an effort to ameliorate this situation.

Independent Claim 1 is directed to a facsimile apparatus capable of performing facsimile communication via the Internet, comprises (1) communication means capable of performing a first facsimile communication based on e-mail via the Internet and a second facsimile communication not based on e-mail via the Internet, and (2) control means for selecting between a first and a second facsimile communication mode in accordance with a selected transmission mode, and causing the communication means to execute facsimile communication in accordance with the selected facsimile communication mode. According to Claim 1, the control means selects the first facsimile communication mode by a first condition, and selects the second facsimile communication mode by a second condition.

The first facsimile communication mode may correspond for example to an e-mail based facsimile communication mode, and the second facsimile communication mode, to a session-based facsimile communication mode, although Claim 1 is not limited to these specific choices for these two modes.

Claim 1 is supported, for example, by the described first embodiment, but it will be understood that the scope of the claims is not limited by the details of the embodiments that provide support for them. A facsimile apparatus constructed according to Claim 1 is capable

of reliably transmitting information of a target original by facsimile communication via the Internet.

*Okada* relates to a communication terminal device which can send data by means of electronic mail or facsimile communication. More specifically, when an e-mail cannot be sent to a particular remote communication terminal for some reason, the *Okada* device can send the contents of the e-mail to the remote communication terminal by means of a facsimile communication, sent via the telephone network. (See col. 6, line 1, to col. 8, line 6.)

However, Applicant submits that nothing has been found or pointed out in *Okada* that would teach or suggest selecting a facsimile communication mode for use via the Internet, from a plurality of facsimile communication modes for communication via the Internet.

That is, even if *Okada* be deemed to show use of the Internet for e-mail communication in one mode, that does not suggest in any way the presence of any other Internet-based mode, as in Claim 1. Accordingly, *Okada* does not disclose, and cannot suggest, the claim features (1) and (2) of Claim 1, mentioned above. For those reasons, Claim 1 is believed to be clearly allowable over *Okada*.

*Yasumoto* relates to a communication terminal capable of receiving data from an external device via an e-mail data-form (Internet) and facsimile communication data-form. After receiving data, the *Yasumoto* device selects a paper cassette in accordance with the data-form used for receiving the data so as to record the received data on an appropriate recording paper. Nonetheless, and even if *Yasumoto* is deemed to show all that it is cited for in the Office Action, that document does not supply what is missing from *Okada* as a reference against Claim 1. Accordingly, that claim is believed to be clearly allowable over both documents, taken

separately, or in any possible combination (assuming any combination would be permissible, which Applicant does not agree is the case).

Independent Claim 3 is directed to a facsimile apparatus capable of performing facsimile communication via the Internet, and comprising (1) communication means capable of performing session-based facsimile communication via the Internet and e-mail based facsimile communication via the Internet, and (2) detection means for detecting a signal delay time to a calling destination. The facsimile apparatus also has (3) control means for selecting either one of a session-based facsimile communication mode and an e-mail-based facsimile communication mode in accordance with a selected transmission mode, and causing the communication means to execute facsimile communication in accordance with the selected facsimile communication mode. Also, according to Claim 3, the control means selects the e-mail based facsimile communication mode when the signal delay time detected by the detection means is longer than a predetermined time, and selects the session-based facsimile communication mode when the signal delay time is shorter than the predetermined time.

It should be noted that Claim 3 includes largely the claim recitations of original Claim 3, rewritten in independent form.

Claim 3 is supported, for example, by the second described embodiment (again, as mentioned above, the scope of the claims is not limited to the details of the particular embodiments disclosed). A facsimile apparatus constructed according to Claim 3 is capable of reliably transmitting information of a target original by facsimile communication via the Internet, even if the signal delay time is long.

*Okada* and *Yasumoto* have been discussed above with regard to Claim 1.

Applicant further submits that nothing has been found in either document that would teach or

suggest anything relating to detecting a signal delay time and selecting facsimile communication mode via the Internet based on such detected signal delay time. Accordingly, even assuming these documents could be properly combined, the result would not meet the terms of Claim 3.

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Independent Claims 7, 9 and 11 are each either a method or a computer-readable memory medium claim, corresponding to one or the other of Claims 1 and 3, and are believed to be patentable for at least the same reasons as discussed above in connection with the latter claims. Additionally, independent Claims 13 and 15 are apparatus claims containing recitations similar to those of Claims 1 and 3, respectively, but avoiding use of means-plus-function format, and are believed to be allowable for the same reasons as are Claims 1 and 3.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

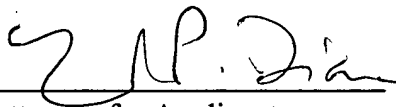
In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this

Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

1. (Amended) A facsimile apparatus capable of performing facsimile communication via the Internet, comprising:

communication means capable of performing [session-based] a first facsimile communication based on e-mail via the Internet and [e-mail-based] a second facsimile communication not based on e-mail via the Internet; and

control means for selecting either one of [session-based data] a first or a second facsimile communication [form and e-mail-based data communication form] mode in accordance with a selected transmission mode, and causing said communication means to execute facsimile communication in accordance with the selected [data] facsimile communication [form] mode,

wherein said control means selects the first facsimile communication mode by a first condition, and selects the second facsimile communication mode by a second condition.

2. (Amended) The apparatus according to claim 1, wherein, when the transmission mode is set to automatic selection, said control means selects the [e-mail-based data] first facsimile communication [form] mode, which is an e-mail-based facsimile

communication mode, for an A4 original size as the first condition, and selects the [session-based data] second facsimile communication [form] mode, which is a session-based facsimile communication mode, for a B4 or A3 original size as the second condition.

3. (Amended) [The apparatus according to claim 1, wherein said apparatus further comprises] A facsimile apparatus capable of performing facsimile communication via the Internet, comprising:

communication means capable of performing session-based facsimile communication via the Internet and e-mail-based facsimile communication via the Internet;

detection means for detecting a signal delay time to a calling destination[.]; and

control means for selecting either one of session-based facsimile communication mode and e-mail-based facsimile communication mode in accordance with a selected transmission mode, and causing said communication means to execute facsimile communication in accordance with the selected facsimile communication mode,

wherein said control means selects the e-mail-based facsimile communication mode when the signal delay time detected by said detection means is longer than a predetermined time, and selects the session-based facsimile communication mode when the signal delay time is shorter than the predetermined time

[said control means selects the e-mail-based data communication form when the signal delay time detected by said detection means is longer than a predetermined time, and



selects the session-based data communication form when the signal delay time is shorter than the predetermined time].

4. (Amended) The apparatus according to claim 3, wherein said apparatus further comprises registration means for registering, in correspondence with the calling destination, [a] identification data identifying facsimile communication [form] mode which is selected by said control means and used for facsimile communication to the calling destination, and

wherein said control means [selects a data communication form for communication to a current calling destination on the basis of information registered in said registration means prior to detection of the signal delay time by said detection means, and if said control means cannot select any data communication form,] detects the signal delay time by said detection means, when the calling destination is selected and said control means cannot select the identification data corresponding to the selected calling destination from said registration means.

5. (Amended) The apparatus according to claim [1] 3, wherein said apparatus further comprises second detection means for detecting a reception capability of an external device at a calling destination, and

said control means changes, when the session-based facsimile communication mode is selected, a transmission original size in accordance with the reception capability detected by said second detection means.

6. (Amended) The apparatus according to claim [5] 3, wherein, when the session-based facsimile communication mode is selected, said control means converts a B4- or A3-size original into an A4-size original in accordance with the reception capability.

7. (Amended) A facsimile apparatus control method capable of performing facsimile communication via the Internet, comprising the steps of:

selecting either one of [session-based data] a first or a second facsimile communication [form and e-mail-based data communication form] mode in accordance with a selected transmission mode; and

causing a communication unit capable of performing [session-based] a first facsimile communication based on e-mail via the Internet and [e-mail-based] a second facsimile communication not based on e-mail via the Internet to execute facsimile communication in accordance with the selected [data] facsimile communication [form] mode,

wherein the first facsimile communication mode is selected by a first condition, and the second facsimile communication mode is selected by a second condition.

8. (Amended) The method according to claim 7, wherein, when the transmission mode is set to automatic selection, the [e-mail-based data] first facsimile communication [form] mode, which is an e-mail-based facsimile communication mode, is selected for an A4 original size as the first condition, and the [session-based data] second facsimile communication [form] mode, which is a session-based facsimile communication mode, is selected for a B4 or A3 original size as the second condition.

9. (Amended) A computer-readable storage medium which stores a communication program for performing facsimile communication via the Internet, the communication program comprising:

a code of [the] a communication step, [capable of performing session-based facsimile communication and e-mail-based facsimile communication via the Internet; and

a code of the control step of selecting either one of session-based data communication form and e-mail-based data communication form in accordance with a selected transmission mode in executing communication by the code of the communication step, and executing facsimile communication in accordance with the selected data communication form] of performing a first facsimile communication based on e-mail via the Internet and a second facsimile communication not based on e-mail via the Internet; and

a code of a control step, of selecting either one of a first or a second facsimile communication mode in accordance with a selected transmission mode, and causing

execution of facsimile communication in accordance with the selected [data] facsimile communication [form] mode.

wherein said control means selects the first facsimile communication mode by a first condition, and selects the second facsimile communication mode by a second condition..

10. (Amended) The medium according to claim 9, wherein [the code of the control step comprises], when the transmission mode is set to automatic selection, selecting the [e-mail-based data] first facsimile communication [form] mode, which is an e-mail-based facsimile communication mode, is selected for an A4 original size as the first condition, and the [session-based data] second facsimile communication [form] mode, which is a session-based facsimile communication mode, is selected for a B4 or A3 original size as the second condition.

11. (Amended) A computer-readable storage medium which stores a communication program for performing facsimile communication via the Internet, the communication program comprising:

a code of [the selection step of selecting either one of session-based data communication form and e-mail-based data communication form in accordance with a selected transmission mode; and

a code of the control step of causing a communication unit capable of performing session-based facsimile communication and e-mail-based facsimile communication

to execute facsimile communication in accordance with the data communication form selected by the code of the selection step] a selecting step, of selecting either one of a first or a second facsimile communication mode in accordance with a selected transmission mode; and  
a code of a control step, of causing a communication unit capable of  
performing a first facsimile communication based on e-mail via the Internet and a second  
facsimile communication not based on e-mail via the Internet to execute facsimile  
communication in accordance with the selected facsimile communication mode,  
wherein the first facsimile communication mode is selected by a first  
condition, and the second facsimile communication mode is selected by a second condition..

12. (Amended) The medium according to claim 11, wherein the code of the control step comprises code for, when the transmission mode is set to automatic selection, selecting the [e-mail-based data] first facsimile communication [form] mode, which is an e-mail-based facsimile communication mode, for an A4 original size as the first condition, and selecting the [session-based data] second facsimile communication [form] mode, which is a session-based facsimile communication mode, for a B4 or A3 original size as the second condition.